IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Crl.MC.No. 904 of 2004(C)

CR NO.6/03 OF THIRUPURAM EXCISE RANGE.

PETITIONER: ACCUSED (A2)

HARIKUMAR S/O. SUKUMARAN NAIR,
AGED 40, MANALI VALIA IDATHINGAL VEETTIL,
KOVILLOOR DESOM, VELLARADA VILLAGE,
NEYYATTINKARA TALUK.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
DIRECTOR GENERAL OF PROSECUTION HIGH COURT OF
KERALA, ERNAKULAM.

BY PUBLIC PROSECUTORS SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON23/3/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 904 OF 2004

Dated this the 23rd day of March, 2007

ORDER

The learned counsel for the petitioner submits, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala v. Unni (**2007 (1) KLT 151 (SC)), this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained.

2. This Crl.M.C. is, in these circumstances, allowed. All proceedings in pursuance of C.R.No.6/03 of the Thirupuram Excise Range against the petitioner are hereby quashed.

(R. BASANT, JUDGE)

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